



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Milwaukee Enrollment Services, Petitioner

REHEARING DECISION

v.

FOF/167251

[REDACTED] Respondent

PRELIMINARY RECITALS

Pursuant to a petition filed July 14, 2015, under Wis. Admin. Code §HA 3.03, and see, 7 C.F.R. § 273.16, to review a decision by the Milwaukee Enrollment Services to disqualify [REDACTED] from receiving FoodShare benefits (FS) for a period of one year, a hearing was held on November 03, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether the respondent committed an Intentional Program Violation(IPV).

A previous hearing was scheduled and heard on August 24, 2015. The respondent failed to appear for the hearing. The hearing was held in her absence. On August 26, 2015 I issued a decision concluding that the agency had shown that the respondent committed an intentional program violation. Specifically, the respondent's QUEST or FS card was used with John Henry Distribution (JHD). JHD was convicted in federal court of trafficking FS benefits. He never sold any food items. Rather he had a point of sale device that allowed him to swipe QUEST cards. He provided the QUEST card holder with a percentage of cash for the FS benefits.

The respondent requested a rehearing. She stated that she intended to come to the hearing, but was incarcerated. I viewed her request in the most favorable light to her, and granted the rehearing request. The case was scheduled for a rehearing on November 3, 2015. The respondent failed to appear for this scheduled rehearing. Written notice of the date, time, and location were mailed to the respondent prior to the hearing date.

Because the respondent failed to appear for the hearing, the evidence presented and considered at the first hearing remains unchanged. For that reason, the original decision will remain. Please see the original decision dated August 26, 2015.

THEREFORE, it is

ORDERED

That the original decision issued August 26, 2015 remains in effect.

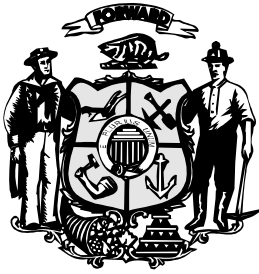
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 5th day of November, 2015

\sCorinne Balter
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on November 5, 2015.

Milwaukee Enrollment Services
Public Assistance Collection Unit
Division of Health Care Access and Accountability
Pamela.Hazley@dhs.wisconsin.gov